

REMARKS

In response to an Office Action dated November 26, 2004 by Examiner W. D. Cummings (a final rejection), and a separate later Office Action by Examiner J. D. Nguyen (which was not a final rejection), Applicants are amending the two independent claims, claims 1 and 11, to recite that the radio traffic channel that is not available is one between a mobile station and a base station for serving the call. Applicants submit that as amended these independent claims and therefore all the claims dependent therefrom should be held allowable.

The application was rejected over two prior art documents: U.S. Patent 6,658,255 (Goss '255) in view of U.S. Patent 6,311,583 (Friedes). As pointed out by the Examiner Goss discloses

In a mobile cellular switching network, a method of establishing a cellular call comprising the steps of:

if a radio traffic channel for a mobile station (MS) caller of said call is available, establishing said call over the available channel (Abstract, Fig. 2-3);

if no channel is available, permitting the caller to wait while the network waits for a channel to become available (Abstract, Fig. 2).

As further noted Goss '255 does not disclose that if no channel is available, permitting the caller to disconnect while the network waits for a channel to become available and when the channel becomes available for the call, calling back the caller and establishing the requested call.

The Examiner cited Friedes as teaching "permitting the caller to disconnect while the network waits for a channel to become available" and "when a channel becomes available for said call, calling back the caller, and establishing the requested call". Applicants have amended the two independent claims to recite specifically that the channel is between the mobile station and a base station for serving the call.

In contrast to Applicants, Friedes discloses an arrangement wherein a call is between two networks. The call is directed to a second network at which network resources are temporarily unavailable and under these circumstances the caller is offered the option of being called back; subsequently the system establishes a connection through the two networks to the called party.

Thus, Friedes does not teach waiting until a channel between a mobile station and a base station becomes available, but teaches waiting until a path through the second network becomes available.

In accordance with the teachings of Friedes, the details of the call are stored in the first network so that when the call is reattempted, the details of the call have already been stored and the customer is not required to redial. In contrast to the teachings of Friedes, in accordance with Applicants' invention, the check is made only of the availability of a traffic channel to a base station of a mobile network. The purpose is to solve a frequently occurring problem, namely, unavailability of radio channels; this is in contrast to the problem of inability to get through the second network of Friedes.

The problems of unavailability of radio channels are unique to this type of application and sharply different from the problems that Friedes was designed to solve. A mobile system differs from the kind of networks described in Friedes in the sense that a customer can signal to a mobile network even if the customer cannot access that network via a traffic (i.e., speech or customer data) channel. In accordance with the teachings of Applicants' invention, an attempt is made to establish the connection after a call back once a traffic channel is available. In contrast, according to the teachings of Friedes, the callback is made after initially getting through the first network and being blocked in the second network, and is made only if the resources in the second network are available.

Accordingly, Applicants respectfully submit that claims 1 and 11 should be held allowable over the teachings of Goss '255 and Friedes. Claims 2-10 and 12-20 should be held allowable as being dependent from allowable independent claims. Accordingly, Applicants respectfully request the Examiner to reconsider the application, allow claims 1-20 as amended, and pass the application to issue.

If the Examiner feels that a voice or fax communication would help to advance

the prosecution of this application, the Examiner is invited to call or fax Applicants' attorney at 630 469-3575.

Respectfully submitted

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